



## ***Land Use and Zoning Meeting Minutes***

*December 11, 2014*

STAFF:	David Radachy
DATE:	December 12, 2014

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:30 p.m.

Attendance was taken by sign-in sheet. The following members were present: Messrs. Falcone, Kenyon, Morse, Terriaco and Welch and Dr. Malec. Staff: David Radachy.

Mr. Radachy stated that there are three cases this evening. One from Concord Township and two from Perry Township.

### **Concord Township – District Amendment, 8.541 Acres RD-2 to GH**

Staff stated the district amendment was to change the district of 8.541 acres of land located on Auburn Road from RD-2 to GH, Gateway Health. Staff stated that the land to the west was zoned RD-2 and the land to the east was zoned GB, Gateway Business. The land was currently vacant with two homes occupying a small section of the property. The land to the west and north was vacant. The land to the south was Rampak, which is industrial. The land to the east was residential and vacant.

Staff stated that the land was recommended by the 2004 Comprehensive Plan to be industrial and the Plan recommended an 8% industrial/commercial to 92% residential split for the Township. This was done in order to keep a tax base to pay for the residential uses. Staff stated that the 2004 Comprehensive Plan did not address Tri-Pointe Hospital. At the time, there were no plans to move it to Concord Township. He went on to say that the 2006 Auburn-Crile Study did take into account the hospital and the Gateway Business District was created from that plan. The Gateway Health District was not part of that plan. It was a creation of the Concord Township Zoning Commission who felt that a district devoted to health care uses was a good idea. Lake County Planning Commission and Land Use and Zoning Committee recommended the new district.

Staff stated that the district had medical offices, labs, urgent cares, restaurants, hotels and membership clubs as permitted uses and day care (child and adult), hospice, residential care facilities and group homes as conditional uses. He stated that the applicant was planning to build a residential care facility and they will need to go through a conditional use process after the rezoning.

Staff stated the residential care facilities were common uses around Lake West and Lake East Hospitals. He recommends approval of the district amendment.

The Committee asked if the other residential care facility has started and staff stated yes. The Committee made a comment that the Township created this district for these types of uses.

Mr. Terriaco made the motion to recommend district amendment.  
Mr. Welch seconded the motion.

All voted "Aye".  
Motion to amend passed.

### **Perry Township – Sections 302.02, 302.09, 407.01, 407.02, 409.05 (L), & 700**

Staff stated that Perry Township set their meeting for December 10. December 10 was not enough time for staff to prepare a summary of the amendments, so Perry Township submitted the amendments early and promise to officially notify us that they set the public hearing. Staff handed out a copy of the email that officially notified the Commission of the public hearing.

Staff stated that Perry Township was adding the use, Bar/Nightclub as a conditional use in Section 302.02. They were also creating a new Section 302.09, Playing Music Outdoors, which requires outdoor music to be a certain distance from residentially used or zoned property.

It was mentioned that Perry Township was revising Section 407.01 to add language to cover non-sediment pollutants, require smaller than one acre sites to be submitted if they are part of larger developments and requiring submission and approval of a storm water prevention plan prior to construction being started. They also revised Section 407.02, Water Quality Standards for Large Activities. They are allowing for a hydrologic study to be submitted and removing some of the BMP's and revising the table to not have different categories for BMP's for sites over five acres and under five acres. Revising this Section was part of their USEPA Phase 2 Storm Water Permit. Staff stated that Perry Township was not a member of the Storm Water Management Department.

Staff stated that Perry Township were adding a maximum light intensity that an electronic sign cannot exceed and adding a definition of Bar/Night club.

Staff stated the changes were not addressed by the 2009 Perry Township Comprehensive Plan.

Staff stated that they were reviewed the text. They noted that Perry Township Zoning Commission is not proposing any conditions for the new conditional use of Bar/Nightclub in Section 500.09. This use would only be required to adhere to the General Requirements in Section 500.08. They added the use as a conditional use, but there were no conditions.

Staff noted that the changes in Sections 407.01 and 407.02 are based on requirements of the Perry Township's Storm Water Phase 2 Permit.

It was brought to the committee's attention that there are references to "Municipal Permitting Authority" and "approval by the Village".

Staff was concerned with "forms of amusement" being pretty open ended. They are concerned that someone may bring a "form of amusement" that the Township would not want in their community.

Staff stated that there are better definitions of nightclubs available. He mentioned: Maryland Heights, Mo.'s was "commercial establishment dispensing alcoholic beverages for consumption on premises and in which dancing and musical entertainment are permitted" and Las Vegas', was "an establishment operated as a place of entertainment, characterized by any or all of the following as a principal use: (1) live, recorded, or televised entertainment, including but not limited to performance by magicians, musicians or comedians; (2) dancing."

Staff recommended approval with the suggestion of adding conditions for Bar/Nightclub to Section 500.09. Change municipal and village references in Sections 407.01 and 407.02 to Township and revising the definition of Bar/Nightclub to better define forms of amusement.

The Committee asked if staff had a suggested definition. Staff stated no. The Committee asked staff to create one for the Planning Commission meeting. Staff stated that he would.

Mr. Morse made the motion to recommend the text amendment be made with staff's recommendation and with a recommended definition of Bar/Nightclub.

Mr. Terriaco seconded the motion.

All voted "Aye".

Motion passed.

### **Perry Township – District Amendment, 10.2 Acres Business and Commercial 1, B-1 to Business and Commercial 2, B-2**

Staff stated the district amendment was to change the district of 10.2 acres of land located on the south side of North Ridge Road, US 20, just east of Ohio Street. They are going from B-1 to B-2. Staff stated that the land is owned by Perry Township and it has a single family home on it. Staff stated that the land to east is being farmed, the land to the west is commercial/office use and the land to the south and north was vacant. Staff also stated that there is B-1 and SR zoned land to the east and west, B-2 across the street and Perry Village PUD to the south. He also stated that the only difference between B-1 and B-2 is that B-1 allows for a single family house as a permitted use.

Staff stated that he believes Perry Township purchased this lot to put in a road to create a new intersection for Perry Park Road. It would connect Ohio, Indiana, New York and Michigan to this new road, creating a safer location to turn left onto North Ridge for the residents. Staff recommended the district amendment. The Committee asked if the Township was going to sell the remainder of land after the new road is built. Staff stated he believed so.

Mr. Kenyon made the motion to recommend the district amendment.

Mr. Walsh seconded the motion.

All voted "Aye".

Motion to amend passed.

There was no other business. There was no public comment.

The meeting adjourned at 7:00 PM.